

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS)	
BOARD)	
)	
Petitioner)	
)	
v.)	No. 16-70294
)	
COMMUNITY SUPPORT)	
NETWORK)	
)	
Respondent)	

**MOTION OF THE NATIONAL LABOR RELATIONS BOARD
TO HOLD THE FILING OF THE CERTIFIED LIST IN ABEYANCE**

To the Honorable, the Judges of the United States
Court of Appeals for the Ninth Circuit:

The National Labor Relations Board (“the Board”), by its Deputy Associate General Counsel, respectfully moves the Court to hold the filing of the certified list in abeyance pending resolution of the Board’s outstanding Motion for Entry of a Default Judgment, and shows:

1. On January 5, 2016, the Board issued its Decision and Order in this case against Community Support Network (“the Company”) and filed an application to enforce its Order on February 1, 2016. Under Federal Rule of Appellate Procedure 17(a), the certified list in this case is due within forty days of that application, or on March 14, 2016, “unless the respondent fails to answer.”
2. On March 14, simultaneous with the filing of this motion, the Board filed with this Court a motion for entry of a default judgment.

3. If the Board succeeds in its motion for default judgment, further proceedings on the merits will not be necessary, thereby obviating the need for filing the record.

4. Furthermore, Rule 17(a) of the Federal Rules of Appellate Procedure (“FRAP”) provides that a respondent’s filing of an answer to an application for enforcement is a prerequisite to the Board’s filing of the record. Because the Company did not file an answer to Board’s application for enforcement, as required by FRAP Rule 15(b)(2), the Board is not yet required to file the record.

5. Therefore, the Board requests that the time for filing the certified list be extended until the Court decides whether to issue a default judgment.

6. The Company’s attorney, Jeffrey Beeson, has informed the Board’s counsel that the Company will not oppose enforcement and does not intend to file an answer or brief.

WHEREFORE, the Board respectfully requests that its motion be granted and the time for filing the certified list be held in abeyance until the Court has ruled on the Board’s motion for default judgment.

/s/ Linda Dreeben
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Dated at Washington, D. C.
this 14th day of March 2016

